

Assembly Constitutional Amendment

No. 13

Introduced by Assembly Member Hernandez

February 27, 2009

Assembly Constitutional Amendment No. 13—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 8 of Article II thereof, relating to initiatives.

LEGISLATIVE COUNSEL'S DIGEST

ACA 13, as introduced, Hernandez. Initiatives.

The California Constitution provides voters, through the initiative, the power to propose statutes and constitutional amendments and to adopt or reject them. An initiative measure may be proposed by presenting the Secretary of State a certified petition signed by electors equal in number to 5% in the case of a proposed statute, and 8% in the case of a proposed constitutional amendment, of the votes for all candidates for Governor at the last gubernatorial election. The Secretary of State is required to submit an initiative measure at the next general election held at least 131 days after it qualifies or at a special statewide election held prior to that general election.

This measure would require the Secretary of State to transmit each certified initiative measure to the Legislature. Upon transmittal to the Legislature, the initiative measure would be assigned to the Joint Legislative Budget Committee for analysis and public hearings and, by concurrent resolution, the Legislature could amend the initiative measure in a manner consistent with the intent of the measure. The measure would provide that an initiative measure could be returned to the Secretary of State for placement on the ballot pursuant to the

Legislature's adoption of a concurrent resolution by a majority vote in each house in the case of a statute, or a $\frac{2}{3}$ vote in each house in the case of a constitutional amendment.

This measure would require, if the Legislature returns the initiative measure to the Secretary of State by an unspecified deadline, that the measure, including any proposed amendment, be submitted at a subsequent statewide election held prior to that general election that is at least 131 days after the date the measure is returned.

This measure would provide, alternatively, if the Legislature does not return the initiative measure by that deadline, that the Secretary of State place the measure on the ballot only if the initiative measure is certified, after the deadline, to have been signed by electors equal in number to 10% in the case of a proposed statute, and 16% in the case of a proposed constitutional amendment, of the votes for all candidates for Governor at the last gubernatorial election. The measure would specify that an opportunity be provided after that deadline, as specified by statute, for the gathering of additional signatures for this purpose.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

1 *Resolved by the Assembly, the Senate concurring,* That the
2 Legislature of the State of California at its 2009–10 Regular
3 Session commencing on the first day of December 2008, two-thirds
4 of the membership of each house concurring, hereby proposes to
5 the people of the State of California that the Constitution of the
6 State be amended as follows:
7 That Section 8 of Article II thereof is amended to read:
8 SEC. 8. (a) The initiative is the power of the electors to
9 propose statutes and amendments to the Constitution and to adopt
10 or reject them.
11 (b) An initiative measure may be proposed by presenting to the
12 Secretary of State a petition that sets forth the text of the proposed
13 statute or amendment to the Constitution and is certified to have
14 been signed by electors equal in number to 5 percent in the case
15 of a statute, and 8 percent in the case of an amendment to the
16 Constitution, of the votes for all candidates for Governor at the
17 last gubernatorial election.
18 (c) ~~The~~ *Upon certification of an initiative measure pursuant to*
19 *subdivision (b), the Secretary of State shall transmit the measure*
20 *to the Legislature. The measure shall be assigned to the Joint*

1 *Legislative Budget Committee for analysis and public hearings.*
2 *The Legislature may, by concurrent resolution, amend the measure*
3 *in a manner consistent with the intent of the measure. If the*
4 *measure proposes a statute only, it shall be returned to the*
5 *Secretary of State only by a concurrent resolution adopted by the*
6 *Legislature, a majority of the membership of each house*
7 *concurring. If the measure proposes an amendment to the*
8 *Constitution, it shall be returned to the Secretary of State only by*
9 *a concurrent resolution adopted by the Legislature, two-thirds of*
10 *the membership of each house concurring.*

11 *(d) If the Legislature returns the initiative measure to the*
12 *Secretary of State within ____ days after the measure is transmitted*
13 *to the Legislature, the Secretary of State shall ~~then~~ submit the*
14 *measure, including any proposed amendment, at the next general*
15 *election held at least 131 days after it ~~qualifies~~ is returned to the*
16 *Secretary of State or at any special statewide election held prior*
17 *to that general election. The Governor may call a special statewide*
18 *election for the measure.*

19 *(e) If the Legislature does not return the initiative measure to*
20 *the Secretary of State within ____ days after the measure is*
21 *transmitted to the Legislature, the Secretary of State shall submit*
22 *the measure to the electors only if the measure is certified, on or*
23 *after that deadline, to have been signed by electors equal in number*
24 *to 10 percent in the case of a statute, and 16 percent in the case*
25 *of an amendment to the Constitution, of the votes for all candidates*
26 *for Governor at the last gubernatorial election. The proponents*
27 *of the initiative measure shall be provided the opportunity*
28 *subsequent to that deadline, as specified by statute, to gather*
29 *signatures of electors for the purposes of this subdivision. The*
30 *Secretary of State shall submit the measure at the next general*
31 *election or at any special statewide election held prior to that*
32 *general election that is at least 131 days after the date of*
33 *certification pursuant to this subdivision. The Governor may call*
34 *a special statewide election for the measure.*

35 ~~(d)~~

36 *(f) An initiative measure embracing more than one subject may*
37 *not be submitted to the electors or have any effect.*

38 ~~(e)~~

39 *(g) An initiative measure may not include or exclude any*
40 *political subdivision of the State from the application or effect of*

1 its provisions based upon approval or disapproval of the initiative
2 measure, or based upon the casting of a specified percentage of
3 votes in favor of the measure, by the electors of that political
4 subdivision.

5 ~~(f)~~

6 *(h)* An initiative measure may not contain alternative or
7 cumulative provisions wherein one or more of those provisions
8 would become law depending upon the casting of a specified
9 percentage of votes for or against the measure.

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